**In the High Court of Uttaranchal at Nainital.**

Criminal Revision No. 547/2001
(Old No. 1178/1994)

Mahendra Singh .....Revisionist.

Vs.

State of U.P. and 4 others .....Respondents.

**Hon'ble Irshad Hussain, J.**

None appear for the revisionist and the respondent nos. 2 to 5. Heard Sri A. Rub learned Additional Government Advocate and perused the record.

2- The revision petition was preferred under section 397/401 of the Code of Criminal Procedure against the judgment and order dated 10-5-1994 passed by the I Additional Sessions Judge, Roorkee in sessions trial no. 56/1991, acquitting the respondents 2 to 5of the charges under section 307/34, 325/324/323 I.P.C. read with section 34 I.PD.C.

3- The revision petition was not admitted when it was filed before the Allahabad High Court. Having perused the impugned judgment it is evidence that the learned Additional Sessions Judge appraised the evidence of the relevant witnesses namely complainant Mahendra Singh ( P.W.1), Dharam Pal (P.W.2), Abhay Singh ()P.W.3) and Makhar (P.W.4) in coming to the conclusion that their evidence was shaky and discrepant and it is not proved beyond doubt that the respondents-accused assaulted the victims. There appear to be no perversity in the appreciation of the evidence and therefore the revision petition is devoid of merit.

4- The revision is dismissed. Consign.

**(Irshad Hussain, J.)**

Dated: 19-5-2004
ISB